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5

FILED

JUN 11 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

RECEIVED

7 **JUN 11 2007**

8 RICHARD W. WIEKING
9 CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

CR 04-40148 DLJ

13 v.

STIPULATION AND [PROPOSED]
ORDER RE: HEARING DATE

14 JOSE CASTELLANOS,

15 Defendant.
16 _____/

17 At the request of the parties, the Court enters this order
18 (a) continuing the status hearing presently set for Friday, June
19 15, 2007 at 9:00 to July 20, 2007; and (b) excluding time under
20 the Speedy Trial Act from June 15, 2007 to August 3, 2007, based
21 on the following:

22 1. Defendant JOSE CASTELLANOS, who is currently free on
23 secured bond, has filed a pending motion to quash the search
24 warrants relevant to the indictment in the above-entitled
25 matter, which has been deferred.

26 2. A further status hearing before this Court is
27 presently set for Friday, June 15, 2007, at 9:00 a.m.;

28 3. Counsel for the government, along with counsel for

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PARTIES OF RECORD


PIER 5 LAW OFFICES
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1 Mr. Castellanos, have been engaged in discussions and
 2 negotiations to resolve the matter short of trial;

3 4. Given defense counsel's unavailability due to her
 4 involvement in trial in the matter of the United States v.
 5 Edward Rosenthal (CR-02-0053 CEB), another brief continuance is
 6 requested. The parties are committed to resolving this matter
 7 by way of a change of plea on August 3, 2007 if the date is
 8 available with the Court.

9 THEREFORE, IT IS STIPULATED by and between parties, and
 10 agreed hereto, that the further status hearing be continued from
 11 June 15, 2007 at 9:00 until August 3, 2007 at 9:00, with the
 12 pending Motion to Quash to remain in deferred status, with time
 13 continuing to be excluded based on the pendency of the motion,
 14 pursuant to 18 U.S.C. § 3161 (h)(8)(A) & (B)(i) & (iv), such
 15 that the ends of justice served by granting such a continuance
 16 outweigh the best interests of the public and the defendant in a
 17 speedy trial.

18 IT IS SO STIPULATED.

19
 20 
 21 SHARI L. GREENBERGER
 22 Attorney for
 JOSE CASTELLANOS
 Dated:

 6/6/07
 TIMOTHY J. LUCEY, AUSA
 Dated:

23 IT IS SO ORDERED.

24 Dated: 6-11-07

25 
 26 HON. D. LOWELL JENSEN
 27 U.S. District Court Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

United States of America,
Plaintiff,

Case Number: CR04-40148-11- DLJ

CERTIFICATE OF SERVICE

v.

Jose Castellanos,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 11, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

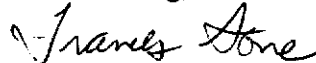
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Timothy Joseph Lucey
U. S. Attorney's Office
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San Francisco, CA 94102

Dated: June 11, 2007

Richard W. Wieking, Clerk



By: Frances Stone, Deputy Clerk